THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14856 OF 2007

DATED 18th JULY, 2007

BETWEEN:

Rapole Balakishan Rao

… Petitioner

AND

The District Collector, Karimnagar District, Karimnagar and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14856 OF 2007

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.18.27 guntas in survey No.57 situated at Vemunoor Village of Ramagundam Mandal in Karimnagar District. It appears Sri V.Jagan Mohan Reddy and K.Reddy Indira got their names mutated in revenue records in the year 1997-1998. Then, the petitioner approached respondents for necessary ratification of the entries, in vain. She then filed an appeal before second respondent in file No.B/1737/2006, dated 21.08.2006. She also made a representation before third respondent. As there is no action on the part of respondents, she filed the instant writ petition.

After hearing learned counsel for petitioner and learned Assistant Government Pleader for Revenue (General), this Court is convinced that the writ petition as laid cannot be accepted. A reading of paragraph 5 of affidavit would show that two persons obtained mutation in their favour and that petitioner never sold the property to them. If that is so, the remedy of petitioner is to obtain necessary proceedings or Pahanis, in which the names of two persons were entered, and then prefer an appeal before Revenue Divisional Officer under Section 5(5) of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity). Curiously, an appeal is filed under Section 5-B of the Act, which has no application. Secondly, petitioner appears to have approached the District Collector and the representation was forwarded by District Collector, Karimnagar to third respondent for necessary action. The remedy of the petitioner, therefore, is to pursue with the Mandal Revenue Officer. Learned Assistant Government Pleader does not dispute that the matter is pending with Mandal Revenue Officer. Therefore, the petitioner may pursue the remedy with third respondent.

The writ petition, with the above observation, is dismissed. No costs.

(V.V.S.RAO,J)

18.07.2007.
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